

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**



	X	
SECURITIES AND EXCHANGE	:	
COMMISSION,	:	
Plaintiff,	:	
-against-	:	Civil Action No. 1:21-cv-00260-PB
LBRY, INC.,	:	
Defendant.	:	

**DEFENDANT LBRY, INC.'S RESPONSES AND OBJECTIONS
TO PLAINTIFF SECURITIES AND EXCHANGE COMMISSION'S
FIRST SET OF INTERROGATORIES**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure (“Federal Rules”) and the Local Rules for the United States District Court for the District of New Hampshire (“Local Rules”), Defendant LBRY, Inc. (“LBRY”), by its attorneys, hereby responds and objects as follows to Plaintiff Securities and Exchange Commission’s (“SEC’s”) First Set of Interrogatories, including the Definitions and Instructions thereto, dated October 20, 2021 (the “Interrogatories,” and each, an “Interrogatory”). These responses are based on LBRY’s current knowledge, and LBRY reserves the right to supplement or amend each of these responses and objections as discovery progresses.

GENERAL OBJECTIONS

Unless otherwise indicated, the following general objections apply to each numbered Interrogatory as if each was specifically set forth therein, in addition to any specific objection included therein. The assertion of the same, similar or additional objections or the provision of partial answers in the specific responses does not waive any of the general objections.

RESPONSE TO INTERROGATORY NUMBER 6: LBRY incorporates its general objections as if restated herein. LBRY further objects to this Interrogatory as cumulative and duplicative to the extent it seeks substantially the same information as the Requests for Production or one or more of the Requests in the Subpoena issued in the Investigation. Subject to and without waiving the foregoing objections, LBRY responds as follows:

LBRY's LBC is held at the following addresses:

<https://explorer.lbry.com/address/rEqocTgdPdoD8NEbrECTUPfpquJ4zPVCJ8>

<https://explorer.lbry.com/address/rKaAUDxr24hHNNTQuNtRvNt8SGYJMdLXo3>

<https://explorer.lbry.com/address/r7hj61jdbGXcscxw8UmEFCReZoCWLRr7t>

<https://explorer.lbry.com/address/bMvUBo1h5WS46ThHtmfmXftz3z33VHL7wc>

<https://explorer.lbry.com/address/bEVmzvoQAVgHUz7pmJdzfnVeGWw6kPqsNX>

<https://explorer.lbry.com/address/bRo4FEeqqxY7nWFANsZsuKEWByEgkvz8Qt>

INTERROGATORY NUMBER 7: Please identify the owner or custodian of each LBRY Address to which LBRY has transferred more than 100,000 LBC in total since January 1, 2016.

RESPONSE TO INTERROGATORY NUMBER 7: LBRY incorporates its general objections as if restated herein. LBRY further objects to this Interrogatory as overly broad, unduly burdensome, not relevant to any claim or defense in this Action and not proportional to the needs of the case. Subject to and without waiving the foregoing objections, LBRY responds as follows:

LBRY includes below a list of all owners or custodians of each LBRY Address identified to date to which LBRY has transferred more than 100,000 LBC in total from January 1, 2016 through March 29, 2021, the date on which this Action was commenced. LBRY notes, moreover, that in some instances it may be difficult to reconcile multiple payments as going to the same person if different receipt addresses were used. Therefore, it is possible that additional persons

who have received more than 100,000 LBC might exist.

LBRY Foundation Inc.
Altonomy Inc.
Sean Yesmunt
Lex Brezhny
Jack Robison
John Elder Robison
Jeremy Kauffman
Akinwale Ariwodola
Niko Storni
Tom Zareczban
John Nelson
Bittrex Inc
Oscilloscope Labs
CoinEx
Reilly Smith
Clement Amponsah
Neill Miller
Antimedia
Julian Chandra
Lucas Abduch
Neohumaneve
Swann Man
LBRY.lat
Naomi Brockwell
Julie Sigwart
Dave Balter
Shapeshift

In addition, LBRY users may receive LBC in connection with syncing their YouTube accounts with LBRY. The usernames for such LBRY accounts which LBRY has identified to date

as having earned more than 100,000 LBC are listed below.

@SilvanoTrotta
@SaltyCracker
@artiintel
@TheQuartering
@DollarVigilante
@davidpakman
@Styxhexenhammer666
@FunOntheRide
@decodeurs
@lbry
@trevon
@NextNewsNetwork
@valdeandemagico
@Vivresainement
@AI
@DistroTube
@timcast
@BrodieRobertson
@Lunduke
@TheLinuxGamer
@davidbattaglia
@ScottCBusiness
@OYENEWS
@CryptoHustler101
@AlexJonesChannel
@NaomiBrockwell

@TheAudiopedia
@eevblog
@RichardHarrisCoaching

INTERROGATORY NUMBER 8: Please identify every account, location, wallet, or address within LBRY's possession, custody, or control that holds or has held any digital asset other than LBC, including, but not limited to, BitCoin or BTC.

RESPONSE TO INTERROGATORY NUMBER 8: LBRY incorporates its general objections as if restated herein. LBRY further objects to this Interrogatory as overly broad, unduly burdensome, not relevant to any claim or defense in this Action and not proportional to the needs of the case. LBRY further objects to this Interrogatory as cumulative and duplicative to the extent it seeks substantially the same information as the Requests for Production or one or more of the Requests in the Subpoena issued in the Investigation. Subject to and without waiving the foregoing objections, LBRY responds as follows:

LBRY includes below a list of the wallets within LBRY's possession, custody or control that currently hold digital assets other than LBC.

<https://blockstream.info/address/bc1q4yav387ec3fat46zha537x466g29dutr3vunvn>

<https://etherscan.io/address/0x23fea61e33ea01be24674d6d7b8ed308660529bb#tokentxns>

In addition, LBRY has a Coinbase account registered under the username josh@lbry.io.

INTERROGATORY NUMBER 9: Please state the amount of money in U.S. dollars that LBRY has raised, directly or indirectly, from the sale of LBC. Indirectly includes, but is not limited to, circumstances in which LBRY exchanged LBC for another digital asset and later exchanged digital assets for money.

RESPONSE TO INTERROGATORY NUMBER 9: LBRY incorporates its general objections as if restated herein. LBRY further objects to this Interrogatory as vague and ambiguous. LBRY also objects to this Interrogatory as overly broad, unduly burdensome, not relevant to any claim or defense in this Action and not proportional to the needs of the case. LBRY

further objects to this Interrogatory as cumulative and duplicative to the extent it seeks substantially the same information as the Requests for Production or one or more of the Requests in the Subpoena issued in the Investigation. LBRY further objects to the term “raised” insofar as it implies that LBRY sold LBC as a “fundraising” mechanism. Subject to and without waiving the foregoing objections, LBRY responds as follows:

As of September 30, 2021, LBRY had deposited into its bank accounts approximately \$12,168,794.46 in proceeds derived from sales of LBC (including circumstances in which LBRY sold LBC for another digital asset and later sold such digital assets for U.S. dollars). In addition, as of the date of this response, LBRY holds digital assets that are currently worth approximately \$2.5 million that it received from sales of LBC.

INTERROGATORY NUMBER 10: Has LBRY used the proceeds from its sales of LBC for any purpose other than to pay expenses or costs Concerning the development and promotion of the LBRY Network?

RESPONSE TO INTERROGATORY NUMBER 10: LBRY incorporates its general objections as if restated herein. LBRY further objects to this Interrogatory as overly broad, unduly burdensome, not relevant to any claim or defense in this Action and not proportional to the needs of the case. LBRY further objects to this Interrogatory as cumulative and duplicative to the extent it seeks substantially the same information as the Requests for Production or one or more of the Requests in the Subpoena issued in the Investigation. LBRY also objects to this Request as vague and ambiguous, including in its use of the terms “development” and “promotion,” which are undefined and call for an interpretation on the part of LBRY in the context of this Interrogatory. In responding to this Interrogatory, LBRY construes these terms to have their ordinary meaning. Subject to and without waiving the foregoing objections, LBRY responds as follows:

LBRY has used proceeds from its sales of LBC solely for the purpose of funding activities in support of the development, promotion, and growth of LBRY, the LBRY Network, and the LBRY community.

INTERROGATORY NUMBER 11: If the answer to Interrogatory No. 10 is yes, please state the amount LBRY used on each purpose other than to pay expenses or costs Concerning the development and promotion of the LBRY Network.

RESPONSE TO INTERROGATORY NUMBER 11: LBRY incorporates its general objections as if restated herein. LBRY further objects to this Request as overly broad, unduly burdensome, not relevant to any claim or defense in this Action and not proportional to the needs of the case. LBRY further objects to this Request as cumulative and duplicative to the extent it seeks substantially the same information as the Requests for Production or one or more of the Requests in the Subpoena issued in the Investigation. Subject to and without waiving the foregoing objections, LBRY responds that this Interrogatory is not applicable given LBRY's answer to Interrogatory No. 10.

INTERROGATORY NUMBER 12: Identify the Persons who are and have been authorized to edit or change the code for the software components of the LBRY Network, including, but not limited to the protocol, daemon, and applications, and include the periods of time for which they possessed such authority. If Persons possessed editorial control over only certain components, identify which code they were authorized to edit or change and for which periods.

RESPONSE TO INTERROGATORY NUMBER 12: LBRY incorporates its general objections as if restated herein. LBRY further objects to this Interrogatory as overly broad, unduly burdensome, not relevant to any claim or defense in this Action and not proportional to the needs of the case. LBRY also objects to this Interrogatory as vague and ambiguous in its use of the phrase "edit or change the code." Subject to and without waiving the foregoing objections, LBRY responds as follows:

LBRY includes below a list of persons who are or have been granted contributor rights, meaning that the person has or had the ability to push a code change to the master branch of the LBRY Protocol.

Jimmy Kiselak
Alex Grintsvayg
Jeremy Kauffman
Jack Robison
Lex Berezhny
Victor Shyba
Job Evers-Meltzer
Kay Kurokawa
Amit Tulshyan
Oleg Siskin
Tom Zarebczan
Alex Liebowitz
Jessop Berth
Brannon King
Akinwale Ariwodola
Jeffrey Picard
Mark Beamer
Neill Miller
Niko Storni
Kok-Pin Yeoh
Liam Cardenas
Travis Eden
Xander Luciano
Paul Webb
Anthony Mayfield
Igor Gassmann
Tzu-Jung Lee

Johnny Nelson
Michael Zargham

INTERROGATORY NUMBER 13: Has LBRY restricted recipients of any LBC from its Pre-mine to using the LBC on LBRY's Network?

RESPONSE TO INTERROGATORY NUMBER 13: LBRY incorporates its general objections as if restated herein. LBRY further objects to this Interrogatory as overly broad, unduly burdensome, not relevant to any claim or defense in this Action and not proportional to the needs of the case. Subject to and without waiving the foregoing objections, LBRY responds as follows:

LBRY has not placed any restrictions upon the use of LBC on LBRY's Network by recipients of LBC from LBRY's Pre-mine.

INTERROGATORY NUMBER 14: If the answer to Interrogatory 13 is yes, please describe in detail what restrictions it has imposed, including, but not limited to, for which recipients, when, for how many LBC, how technologically it has imposed those restrictions, and how it has enforced those restrictions.

RESPONSE TO INTERROGATORY NUMBER 14: LBRY incorporates its general objections as if restated herein. LBRY further objects to this Interrogatory as overly broad, unduly burdensome, not relevant to any claim or defense in this Action and not proportional to the needs of the case. Subject to and without waiving the foregoing objections, LBRY responds that this Interrogatory is not applicable given LBRY's answer to Interrogatory No. 13.